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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

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8 UNITED STATES OF AMERICA,)
9 Plaintiff-Appellant,) 2:10-cr-003-JCM & 2:10-cr-039 JCM
10 vs.) USCA Nos. 11-10253 & 11-10254
11 CHRISTOPHER J. BIGGERS,)
12 Defendant-Appellee.) **ORDER**

13
14 Presently before the court is Christopher J. Biggers' 28 U.S.C. § 2255 petition. (Doc. #54).
15 The government has filed a non-opposition. (Doc. #55).

16 Petitioner seeks to have this court vacate its previous judgment and reenter it to enable
17 petitioner to timely file a notice of appeal. In light of the Ninth Circuit's holding in *United States v.*
18 *Sandoval-Lopez*, 409 F.3d 1193 (9th Cir. 2005), and the government's non-opposition, the court
19 hereby grants petitioner's request.

20 Accordingly,

21 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that this court's judgment of
22 conviction as to Christopher J. Biggers, in case no. 2:10-cr-00039-JCM-PAL (doc. #41) be, and the
23 same hereby is, VACATED and immediately REENTERED as of this date.

24 DATED March 23, 2012.

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27 JAMES C. MAHAN
28 UNITED STATES DISTRICT JUDGE